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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: EINAT4.1C

In re Application of:

Paz EINAT et al

Appln. No.: 09/802,472

Filed: March 9, 2001

For: SEQUENCES CHARACTERISTIC
OF HYPOXIA-REGULATED GENE
TRANSCRIPTION

Conf. No.: 7736

Art Unit: 1637

Examiner: Young Kim

Washington, D.C.

September 19, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated April 20, 2005, of the Primary Examiner. The claims appealed are claims 9, 13 and 15-17.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$500.00

\$250.00 (small entity)

Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 60.00

[] Second - \$225.00

[] Third - \$510.00

month after time period set

Other Than Small Entity

Response Filed Within

[] First - \$ 120.00

[X] Second - \$ 450.00

[] Third - \$1020.00

month after time period set

[X] Less fees (\$450.00) already paid for 2 months extension of time on 09/19/05.

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 500.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

09/20/2005 SZEWDIE1 00000118 09802472

01 FC:1401

500.00 DP

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

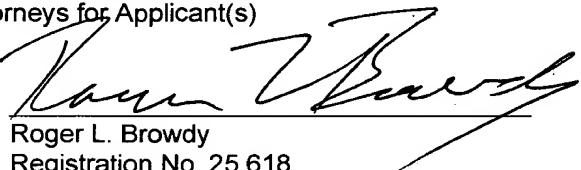
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01 FC:1252

450.00 DA

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:


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